

REMARKS/ARGUMENTS

Claims 9-14 and 17 are pending in the present application. Claim 14 has been amended to include the features of its base claim. Claims 12 and 13 stand rejected under 35 U.S.C. § 102(b). Claims 9-11 and 17 are allowed and claim 14 is objected to as being dependent upon a rejected base claim. Applicant thanks the Examiner for allowing claims 9-11 and 17 and indicating the allowability of claim 14. It is respectfully submitted that all of the presently pending claims are allowable for at least the following reasons.

35 U.S.C. § 102(b)

Claims 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,952,937 to Koopman, Jr., et al. (the Koopman reference). Applicant respectfully submits that claims 12 and 13 are in condition for allowance, for at least the following reasons.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that **each and every claim limitation is identically disclosed** in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131. Applicant respectfully submits that the Koopman reference does not disclose each and every element of the claimed invention.

Independent claim 12 relates to an apparatus for controlling an electronic device which includes at least one operating unit arranged on a movable part. The movable part includes a transponder and a code generator for generating a plurality of codes. The plurality of codes are selected via the at least one operating unit in order to modulate an electromagnetic oscillation emitted from the transponder. The Koopman reference does not disclose, or even suggest, a mobile part that includes a transponder and a code generator in which the code generator is designed to modulate an electromagnetic oscillation, using a code selected by an operating element of the mobile part.

The Koopman reference apparently discusses a theft protection device for a motor vehicle, which includes, according to one exemplary embodiment, a key-fob 62, which is designed to

exchange information with a communications device (controller 22) on the vehicle. Key-fob 62 includes a transceiver 60, which is apparently designed to both receive and send signals.

(Koopman; col. 3, ll. 5-8). The key-fob has two activation buttons 64, 66 for switching on and off the theft protection device as well as for unlocking the vehicle doors. (Koopman; col. 3, ll. 8-11).

Contrary to the statements in the Office Action, the Koopman reference does not discuss a transponder. A transponder is defined as a radio or radar transmitter-receiver activated for transmission by reception of a predetermined signal. (The American Heritage Dictionary of the English Language, Fourth Edition). A transponder is activated by an electromagnetic oscillation, and it uses the energy contained in the oscillation for returning a coded signal to the transmitting unit.

By contrast, in the Koopman reference a two-way communication is discussed. In other words, a data transmission from the key-fob mobile part to the controller takes place, but a reverse data transmission also takes place, from the controller to the key-fob. In particular, the key-fob also evaluates the content of the signal sent to it. An example of a signal transmitted by the controller to the key-fob is the codes updated from time to time (Koopman; col. 3, line 60 to col. 4, line 8), which are then stored in the key-fob. This procedure is completely atypical for a transponder. Thus, though a transponder is mentioned in the claims in the Koopman reference, the description makes clear that the transmitting and receiving device in the key-fob discussed therein cannot be understood to be a transponder.

More importantly, counter to the comments in the Office Action, the Koopman reference also does not describe a code generator which is capable of generating a plurality of codes to be selected via the at least one operating unit in order to modulate an electromagnetic oscillation emitted from the transponder. Though the Koopman reference apparently provides two switches, the Koopman reference does not state anywhere that these switches are used for generating different codes. The sections cited by the Office Action relate to the generation of codes by the controller 22, and do not relate to codes being generated by the remote signaling element. (Koopman; col. 3, line 64 to col. 4, line 5). Further, there is no mention in the sections cited by the Office Action of any operating element on the remote signaling unit, and therefore there can be no discussion, or even suggestion, of codes being selected by the operation of one of several operating

elements. Therefore, the Koopman reference gives no suggestion of generating codes in response to the operation of an operating element.

Claim 13 depends from claim 12 and is therefore allowable for at least the same reasons as claim 12 is allowable.

Additionally, claim 13 recites that each code of the plurality of codes generated by the code generator is associated with a respective one of the plurality of operating elements. It is respectfully submitted that the Koopman reference does not disclose or suggest that distinct codes generated by the code generator are associated with distinct operating elements. Apparently the same security code in the Koopman reference is used for implementing the two remote control functions discussed therein, namely, to activate/deactivate the anti-theft system and to unlock the door locks of the vehicle. (Koopman; col. 3, ll. 8-9). In addition, in the Koopman reference, the codes stored in the key-fob are regularly changed (Koopman; col. 3, line 66 to col. 4, line 5), while no assignment of varying codes to respective operating elements of the key-fob is discussed. Therefore, it is respectfully submitted that the Koopman reference does not disclose, or even suggest, that each code of the plurality of codes that is generated by the code generator is associated with a respective one of the plurality of operating elements, and therefore claim 13 is allowable over the Koopman reference.

For at least the reasons discussed above, withdrawal of the rejection under 35 U.S.C. §102(b) with respect to claims 12 and 13 is hereby respectfully requested.

Allowable Claim

Allowable claim 14 has been amended to be rewritten in independent form. Therefore, claim 14 is in condition for allowance.

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CONCLUSION

Applicant respectfully submits that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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